

PROJECT INTERSECT:

STUDYING SPECIAL EDUCATION IN CHARTER SCHOOLS

Research Report #6:
Survey of Charter School Authorizers
February 2007

Lauren Morando Rhim, University of Maryland, College Park
Cheryl M. Lange, Lange Consultants
Eileen M. Ahearn, National Association of State Directors of
Special Education
Margaret J. McLaughlin, University of Maryland, College Park

Institute for the Study of Exceptional Children and Youth
University of Maryland, College Park
1220 E. Benjamin Building
College Park, MD 20742-1161

(301)405-6494
www.education.umd.edu/EDSP/Projectintersect

This document is one of a series of research reports developed by Project Intersect. Based at the University of Maryland, College Park, Project Intersect examined special education in the charter school sector and, specifically, documented how charter schools build capacity to educate students with disabilities. The project was supported through funds awarded to the University of Maryland, College Park, from the U.S. Department of Education, Office of Special Education Programs. The project was directed by Margaret J. McLaughlin and Lauren Morando Rhim and the project team also included Eileen Ahearn and Cheryl Lange.

We would like to acknowledge the contributions of William Lange of Lange Consultants for his assistance with the online version the survey and preliminary data analysis and Kristen Nied and Laura Agate from the University of Maryland who provided invaluable research assistance. Their contributions to the research study are greatly appreciated. While this project was a collaborative effort, the authors alone are responsible for its findings and any errors of fact or judgment.

The report was supported by the U.S. Department of Education Grant No. H324D020025. The opinions expressed in this report are those of the authors and do not necessarily reflect the views of the U.S. Department of Education or the Office of Special Education Programs.

ABSTRACT

Charter school authorizers play a critical role in the growth and stability of the entire charter school sector, yet their role is somewhat ambiguous and emerging as the charter school sector grows and evolves. This paper will present findings from a national survey of charter school authorizers. The issues facing authorizers and the strategies they are developing related to special education illuminate how the burgeoning charter sector is negotiating the intersection of a federal mandate, state rules and regulations, and the core charter school tenets of autonomy and accountability. The survey documents that for the purposes of educating students with disabilities, charter school authorizers are taking a relatively active role in the charter schools they grant. Furthermore, the existing public education infrastructure of state and local education agencies is playing a central role in helping charter schools build their capacity to provide special education and related services to the students with disabilities who choose to enroll. The strategies that authorizers and operators are developing to build special education capacity have implications for practitioners and future research.

EXECUTIVE SUMMARY

Charter schools are a high-profile and evolving component of contemporary school reform initiatives based upon leveraging accountability to improve student outcomes. At their core, charter schools are public schools and therefore required to fulfill a plethora of obligations associated with their public status. For example, charter schools cannot charge tuition, they must offer open enrollment, and of particular interest for this line of research, they must comply with the Individuals with Disabilities Education Act (IDEA). The IDEA is a federal civil rights statute that mandates that children with disabilities receive a free appropriate public education in the least restrictive environment. While not all children with disabilities are educated in public schools, all public schools—including charter schools—must ensure that they provide special education and related services to children with disabilities who choose to enroll. This report presents findings from a survey of charter school authorizers conducted as part of Project Intersect, a three-year national study of special education in the charter school sector.

Project Intersect personnel conducted a survey of the population of charter school authorizers ($N = 676$) between December 2003 and July 2004. Charter authorizers are key stakeholders in the charter school movement and thus, their insight regarding how best to integrate special education into policies and procedures is a critical component of the larger analysis of special education in the charter school sector. Surveys were sent to every charter school authorizer that had granted at least a single charter as of fall 2003. A total of 431 authorizers completed the survey, representing a return rate of 64%.

Four broad research questions guided the survey of charter school authorizers:

1. What are the characteristics of charter school authorizers and the charter schools they have granted, and do these characteristics influence policies related to special education?
2. How are charter school authorizers integrating special education into their authorization, oversight, and renewal practices?
3. What issues related to special education are emerging in charter schools?

4. To what extent are charter school authorizers providing technical assistance or special education infrastructures to help charter schools build capacity related to special education?

The survey provided an updated profile of charter school authorizers nationwide and documented authorizer practices related to special education. In addition, our survey findings provided some, albeit limited, insights regarding authorizer behavior according to authorizer type and experience. Key findings are presented according to the four research questions.

Charter School Authorizer Characteristics

The survey documented that the majority of authorizers are local education agencies (LEAs), and that with the exception of a small cohort of authorizers that have granted 10 or more charters each, most have granted only a single charter and thus have limited experience with charter school policy development and implementation. While there are significantly fewer non-LEA authorizers (i.e., state education agencies, colleges and universities, special chartering boards, nonprofits), these entities tend on average to grant more charter schools than LEA authorizers.

The first four years of the charter movement saw a gradual entry of new authorizers. In 1995, the number of authorizers granting charter schools increased rapidly and continued to increase until 1999, with a notable decrease of new authorizers after 2002. While there are small clusters of private and public school conversions nationwide, the vast majority of charter schools are new start-ups. Cyber/virtual schools and schools primarily for students with disabilities are a relatively small niche in the overall charter sector.

Our analyses of charter school enrollments indicate that on average, charter schools are smaller than traditional public schools and they are enrolling fewer students with IEPs than the national average and few students with Section 504 plans.

Integrating Special Education in Authorization, Oversight, and Renewal

The survey confirmed that most authorizers are aware of their organizations' responsibilities related to special education in the charter schools they authorize. And, the majority of authorizers have a relatively high level of responsibility for special education in these schools. Nearly a third of the authorizers provide special education in the schools they authorize, 22% work with special education as requested by schools, 15% supervise special education in the schools they authorize, 13% are involved when schools are authorized or renewed, and 12% are not involved.

Most authorizers are asking potential charter operators to provide information reflecting a basic knowledge of special education by requiring a specific written assurance, and roughly two-thirds are asking for a plan related to special education during the authorization process. Yet, 21% don't ask charter applicants for any information related to special education beyond basic assurances not to discriminate. However, 76% are coordinating oversight activities related to special education with IDEA monitoring in charter schools, and 60% of the authorizers report that they include special education as a requirement of a charter school's renewal process.

Special Education Issues Emerging in the Charter Sector

Issues associated with educating students with disabilities can be a challenge for new charter schools during their first several years of operation, and they can evolve to be continual challenges. Key challenges identified during the start-up period were understanding financial issues related to special education and knowing special education regulations. Ongoing challenges identified by more than 65% of the authorizers were finding qualified special education teachers and incorporating students with disabilities in NCLB. While authorizers confirm that special education can be a challenge, the relevant issues are not necessarily leading to large numbers of formal complaints to authorizers.

Technical Assistance and Special Education Infrastructure

Authorizers are actively engaging in technical assistance and actual provision of special education services in charter schools. Charter authorizers are a key source of technical assistance related to special education, and most authorizers are either requiring or offering technical assistance during the authorization and application phase and/or once schools are operational. Authorizers emerged as key, ongoing sources of special education in charter schools, as did intermediate education agencies and individual consultants.

Authorizer Characteristics

The confounding variables embedded in authorizer type and experience limited our interpretation of the implications of our secondary analysis related to authorizer characteristics. Consequently, our findings related to authorizer type and experience may reflect the policy conditions in these states rather than just the authorizers' characteristics. While acknowledging the limitations, our secondary analyses did reveal some patterns that we propose should be further explored to verify and examine potential correlations.

Differences Between LEA and Non-LEA Authorizers

Non-LEA authorizers have granted significantly more charter schools and report having less legal responsibility for special education in the charter schools they grant than non-LEA authorizers. Non-LEA authorizers are also more likely to have taken action due to complaints related to special education, but this may be a product of the larger number of schools they have granted rather than an indication that schools granted by non-LEAs have more special education complaints or problems. Non-LEA authorizers were less likely to identify themselves as the primary provider of special education technical assistance or ongoing special education services. Overall, while both types of authorizers reported a somewhat unexpected level of involvement and responsibility for special education in the charter schools they grant, the non-LEA authorizers reported having less responsibility and less involvement with special education in the schools they authorize than their LEA peers.

Authorizer Experience

Authorizers that have granted fewer than 10 schools appear to address a number of issues related to special education differently from their peers who have granted 10 or more schools. The more active authorizers have granted more schools that are primarily or entirely for students with disabilities, and they are less likely to have legal responsibility for special education in the schools they have granted; yet, they were more likely to identify special education issues as continuing challenges. The more active authorizers are relying more on charter school resource centers for technical assistance and are more likely to require special education training and technical assistance during the authorizer process and once schools are operating.

Conclusions

Charter school authorizers play a critical role in the growth and stability of the entire charter school sector, yet their role is somewhat ambiguous and emerging as the charter school sector matures. This paper presents findings from a national survey of charter school authorizers. The issues facing authorizers and the strategies they are developing related to special education illuminate how the burgeoning charter sector is negotiating the intersection of a federal mandate, state rules and regulations, and the core charter school tenets of autonomy and accountability. The survey documents that for the purposes of educating students with disabilities, charter school authorizers are taking a relatively active role in the charter schools they grant. Furthermore, the existing public education infrastructure of state and local education agencies is playing a central role in helping charter schools build their

capacity to provide special education and related services to the students with disabilities who choose to enroll. The strategies that authorizers and operators are developing to build special education capacity have implications for practitioners and future research.

TABLE OF CONTENTS

<i>Abstract</i>	<i>iii</i>
<i>Executive Summary</i>	<i>v</i>
Charter School Authorizer Characteristics	vi
Integrating Special Education in Authorization, Oversight, and Renewal	vi
Special Education Issues Emerging in the Charter Sector	vii
Technical Assistance and Special Education Infrastructure	vii
Authorizer Characteristics	vii
Differences Between LEA and Non-LEA Authorizers	viii
Authorizer Experience	viii
Conclusions	viii
 <i>Introduction</i>	 1
Charter School Authorizers	2
 <i>Methodology and Procedures</i>	 4
Authorizer Database	4
Survey Development	4
Field Test	5
Procedures	5
Survey Respondents and Non-Respondents	6
Survey Analyses	7
 <i>Survey Findings</i>	 8
Characteristics of Charter School Authorizers and Charter Schools	8
Type of Authorizer	8
Authorizer Experience	11
Enrollment of Students With IEPs and Section 504 Plans	15
Integrating Special Education Into Authorization, Oversight, and Renewal Practices	16
Legal Responsibility	16
Application Requirements	17
Authorizer Involvement With Special Education in Charter Schools	18
Oversight Activities	18
Consideration of Special Education Record During the Renewal Process	19
Issues That Emerged Related to Special Education in the Charter Sector	19
Challenges Associated With Special Education in Charter Schools	19
Complaints Related to Special Education in Charter Schools	21
Charter Revocations Associated With Special Education	21

Technical Support and Special Education Infrastructures	21
Primary Providers of Technical Assistance and Training	22
Technical Assistance and Training During the Authorization Process	22
Areas of Technical Assistance and Training During the Authorization or Application Process	23
Technical Assistance and Training to Charter Schools During Operation	23
Areas of Technical Assistance and Training During the Operation	24
Organizations and Strategies Assisting With Ongoing Provision of Special Education	24
 Summary of Key Findings	 25
Charter School Authorizer Characteristics	25
Integrating Special Education in Authorization, Oversight, and Renewal	26
Special Education Issues Emerging in the Charter Sector	26
Technical Assistance and Special Education Infrastructure	27
Authorizer Characteristics	27
Differences Between LEA and Non-LEA Authorizers	27
Authorizer Experience	28
 Discussion and Policy Implications	 28
Characteristics of Authorizers and the Charter Schools They Grant	29
Authorizers' Responsibility for Technical Assistance and Capacity Building	31
Charter Schools' Accountability for Providing Access and Services to All Students	31
 Conclusion	 32
 References	 33
 Appendix A: Survey Questions and Results	 37

INTRODUCTION

Charter schools are a high-profile and evolving component of contemporary school reform initiatives aimed at leveraging high-stakes accountability to improve academic outcomes. At their core, charter schools are public schools and therefore required to fulfill a plethora of obligations associated with their public status. For example, charter schools cannot charge tuition, they must offer open enrollment, and of particular interest for this line of research, they must comply with the Individuals with Disabilities Education Act (IDEA). The IDEA is a federal civil rights statute that mandates that children with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) (Individuals with Disabilities Education Improvement Act of 2004). The construct of FAPE represents special education and related services that are provided at no expense to parents, under public supervision as defined through an Individualized Education Program (IEP). The LRE provision of IDEA requires that children with disabilities must be educated in the general education classroom with appropriate aids and supports with their peers without disabilities to the maximum extent possible and only removed from the general education classroom when it is determined that the adequate supports cannot be provided there. While not all children with disabilities are educated in public schools, all public schools—including charter schools—must provide special education and related services to children with disabilities who choose to enroll. This report presents findings from a survey of charter school authorizers conducted as part of Project Intersect, a three-year national study of special education in the charter school sector.¹

Charter school authorizers have been referred to as the “gatekeepers” of the charter school sector (Sugarman & Kuboyamo, 2001). While relatively little attention has been paid to them in the existing body of research on charter schools, authorizers are responsible for determining whether an applicant is capable of operating a public school and thereafter, determining whether the school is meeting the goals and objectives articulated in its charter. As such, authorizers represent a new level in the hierarchy of public education governance, which previously was limited to state-, district-, and school-level participants. Research has documented that authorizers provide a variety of services to the charter schools they grant, including administrative

This report presents findings from a survey of charter school authorizers conducted as part of Project Intersect, a three-year national study of special education in the charter school sector.

¹ For more information about Project Intersect and to review previous research reports, see <http://www.education.umd.edu/EDSP/ProjectIntersect/index.html>.

oversight, assistance meeting federal and state regulations, and help handling issues related to special education, yet authorizers report that fulfilling these responsibilities is challenging due to inadequate financial and human resources (Finnigan et al., 2004).

The Project Intersect survey of charter authorizers sought to collect data pertaining to four central research questions:

The purpose of this research is to provide national, state, and local policy leaders and practitioners with accurate information that they can use to develop sound policies ensuring that students with disabilities can access and succeed in charter schools.

1. What are the characteristics of charter school authorizers and the charter schools they have granted, and do these characteristics influence policies related to special education?
2. How are charter school authorizers integrating special education into their authorization, oversight, and renewal practices?
3. What issues related to special education are emerging in charter schools?
4. To what extent are charter school authorizers providing technical assistance or special education infrastructures to help charter schools build capacity related to special education?

In aggregate, findings from these four research questions expand the base of knowledge regarding special education in charter schools nationwide. However, while the survey focused primarily on special education, the findings also provide insights regarding authorizers in general that are relevant to a variety of issues beyond educating students with disabilities. The study provides a profile of charter authorizers and documents specific aspects of the authorization process, special education service provision, challenges associated with special education in the charter sector, the status of special education–related technical assistance and training, and the role of charter authorizers in special education service delivery in charter schools. The purpose of this research is to provide national, state, and local policy leaders and practitioners with accurate information that they can use to develop sound policies ensuring that students with disabilities can access and succeed in charter schools.

Charter School Authorizers

State statutes dictate which organizations are allowed to authorize or sponsor charter schools. A charter authorizer is generally defined as an entity—public or private—that sponsors individuals or groups to operate charter schools for a discrete amount of time that can be extended via a renewal process. Local education agencies (LEAs) are the most common type of authorizers but, in a number of states, state education agencies (SEAs), colleges and universities, special chartering boards, and nonprofit entities are also designated authorizers (Finnigan et al., 2004). The early literature on

charter schools paid limited attention to the role of authorizers or the import of their practices (cf. Finn, Manno, & Vanourek, 2000; Kolderie, 1990; Nathan, 1996). The role of charter authorizers examined in the literature on charter schools focuses on accountability and identifies mechanisms authorizers are using to fulfill their core responsibilities (cf. Bulkley, 1999, 2001; Finnigan et al., 2004; Hassel & Batdorff, 2004; Hassel & Herdman, 2000; Sugarman & Kuboyama, 2001; Vergari, 2000). Analyses of charter school accountability have identified three central responsibilities of authorizers: (a) to develop and implement a charter application process, (b) to monitor charter schools, and (c) to renew or revoke charter contracts (Finnigan et al., 2004; Hassel & Herdman, 2000; Hill, Lake, & Celio, 2002).

A national study of charter school accountability commissioned by the U.S. Department of Education (USDE) found that most authorizers perceive that accountability begins during the authorization process, when the authorizer must ensure that both the authorizer and the operator understand their roles and responsibilities (Anderson et al., 2003). When asked to rate the relative importance of factors they consider during authorization, the national sample of authorizers identified the category of special education programs and services as “somewhat important,” rating it above other elements such as admission procedures, instructional strategies, and background of school leaders (Anderson et al., 2003, p. 3). When asked in what areas they monitor operating charter schools, authorizers’ top three answers were “student achievement results on statewide assessments,” “compliance with federal and state regulations,” and “special education services” (Anderson et al., 2003, p. 8).

Authorizer practice is influenced by state charter laws that prescribe, or alternatively leave ambiguous, the role of authorizers. Lack of specificity leads to local determination and, consequently, local variation in how authorizers approach their responsibilities (Sugarman & Kuboyama, 2001). Given the import of authorizer policy, the dearth of research on authorizers, and the challenges associated with developing special education programs in charter schools, we sought to document the status of authorizer policies and practices related to students with disabilities.

METHODOLOGY AND PROCEDURES

Project Intersect personnel conducted a survey of the population of charter school authorizers ($N = 676$) between December 2003 and July 2004. When we initiated the research, a comprehensive database of authorizers nationwide did not exist. We developed a complete list of authorizers and subsequently surveyed them for three reasons: (1) it was financially practical due to the relatively small number of charter authorizers, (2) it increased our chances of securing enough responses to make our findings generalizable to the diverse population of authorizers, and (3) it created a list of authorizers that would be of interest to multiple users.

Authorizer Database

In an effort to identify all the authorizers operating nationwide, we first obtained a list from the National Association of Charter School Authorizers (NACSA), a national, nonprofit membership organization of agencies that authorize charter schools. We also obtained a list of authorizing entities within each state from the Stanford Research Institute (SRI), which had previously surveyed a random sample of charter school authorizers for the USDE (Anderson et al., 2003). Finally, we mined information from state and district websites to complete the database.

The criterion for inclusion in the database was that the entity had granted at least one charter as of fall 2003. The total population of potential authorizers is exponentially larger than the entities that have actually granted a charter (e.g., all school districts in a state versus only the districts that have authorized a charter school). Given that the key objective of the study was to document policies and practices, we limited the list to those entities that actually had experience granting charters. Unless one of the existing authorizer lists specifically identified a charter school contact, the survey was mailed to the chief administrator (i.e., Superintendent, Executive Director, or Dean) of the organization.

Survey Development

The Survey of Charter School Authorizers consisted of 29 forced-choice questions. We developed the survey based upon the four central study questions and related subquestions that were derived from a review of the literature on charter schools and from specific issues related to authorizer

practices and special education in the charter sector generated from previous research (Ahearn, Lange, Rhim, & McLaughlin, 2001; Ahearn, Rhim, Lange, & McLaughlin 2005; Lange, Rhim, Ahearn, & McLaughlin, 2005; Rhim, Lange, Ahearn, & McLaughlin, 2005). The survey questions and related data tables are attached as Appendix A.

The survey consisted of six sections pertaining to the following issues: background of the individual respondent and the organization for which he or she works, special education during the authorization/application phase, special education practices in charter schools, charter school enrollment, statewide accountability and special education monitoring, and special education and charter renewal.

Field Test

The Project Intersect Participant Advisory Team² reviewed the survey content and format. Prior to launching the survey, we conducted an opportunistic pilot study at the annual meeting of the National Association of Charter School Authorizers in San Diego, California. Based on feedback from the pilot participants, we made minor adjustments to the wording of questions and the survey format.

Procedures

Based on discussions among the research team members and an examination of how other research teams had conducted similar research (Anderson et al., 2003; Palmer & Gau, 2003), and in an effort to contain costs, we first administered an electronic survey and then a paper-and-pencil version to the non-respondents. The Project Intersect team selected a web-based delivery method for the survey due to (a) awareness that the target population regularly uses electronic mail to communicate and (b) research documenting that internet delivery presents an efficient method of conducting surveys (Best & Krueger, 2004; Dillman, 2000). We selected an established provider of web-based survey tools and data handling and analysis packages—ZoomerangTM—as the vehicle for online delivery.

² The purpose of the Participant Advisory Team (PAT) was to enhance the relevance of the research project and the utility of products for key stakeholders by including these stakeholders in the research design process. At the start of the research study, 15 individuals from across the nation who were knowledgeable about special education, charter schools, or special education in charter schools were identified and invited to serve on the PAT. These PAT members were asked to provide input on instrumentation, planning, and research activities during the three years of the project.

As of fall 2003, the total population of charter school authorizers that had granted at least a single charter totaled 676 authorizers operating in 40 states and the District of Columbia; 431(64%) completed the Project Intersect Survey of Charter School Authorizers.

We launched the electronic survey in December 2003. Following the recommendations of Dillman (2000), we sent an introductory e-mail, multiple copies of the survey, and reminder e-mails. In February 2004, we mailed a paper-and-pencil version of the survey to approximately 500 non-respondents, using best practices recommended by Dillman (2000) that entail multiple written contacts with all non-respondents. After mailing the paper-and-pencil survey and subsequent reminder postcards and additional copies of the survey, we telephoned all non-respondents.

Survey Respondents and Non-Respondents

As of fall 2003, the total population of charter school authorizers that had granted at least a single charter amounted to 676 authorizers operating in 40 states and the District of Columbia. Rather than drawing a sample, we distributed the survey to the entire population of authorizers.

Of the 676 authorizers surveyed, 431 completed the survey (64%). In order to attain a confidence level of 95% and allowing for a sampling error of +/- 5%, we needed to receive a minimum of 252 responses (Dillman, 2000). As a check of the level of knowledge of the respondents, the survey contained a question regarding the amount of experience the individual completing the survey had in authorizing charter schools. Sixty-seven percent of the respondents reported that they have been involved with authorizing charter schools at their current organization/agency for at least two years, 20% reported having between one and two years of experience, and 12% reported having less than a year of experience. These findings indicate that the majority of the respondents had a level of experience that should enable them to answer the survey questions accurately. See Appendix for more details regarding respondent experience.

To assess potential bias associated with non-respondents, we compared the identity of all charter authorizers in the population to the survey respondents and non-respondents according to type of authorizer. The chi-square analyses of observed versus expected values revealed that the difference between the expected and observed proportion of each type of authorizer ($p = .387$) did not reach a significant level. Table 1 presents a summary of the total population of authorizers relative to the population of respondents according to type of authorizer.

The second characteristic that we examined in the interest of controlling for potential biases associated with non-respondents was location. Of the 41 jurisdictions with charter laws (40 states and the District of Columbia), 38 (93%) are represented by at least a single authorizer in the survey sample. The three non-participating jurisdictions represent a total of four authorizers that

have collectively granted 110 charter schools (out of roughly 3,000). Based on the small number of charter schools operating in the states that are not represented in our sample, and the different types of authorizers operating in the states, we did not document perceived bias associated with particular states or authorizers absent from the sample. Based on the high rate of survey completion and the composition of responders compared to non-responders, we determined that our findings from the survey are generalizable to the population of authorizers that had granted at least a single charter school as of spring 2004.

TABLE 1: TOTAL AUTHORIZER POPULATION, RESPONDENTS AND NON-RESPONDENTS BY TYPE

Variable	Population (N = 676)	Respondents (n = 431)	Non-respondents (n = 245)
Type of Authorizer	% (N)	% (n)	% (n)
Local education agency	90% (605)	85% (367)	92% (225)
College or university	6% (37)	6% (27)	4% (10)
State education agency	3% (21)	4% (16)	2% (5)
Special charter agency/Not-for-profit/other ³	2% (13)	5% (21)	2% (5)
Total	100% (676)	100% (431)	100% (245)

Table reads: In spring 2004, 90% (605) of the total population of charter authorizers were local education agencies, and 85% (367) of survey respondents were local education agencies.

Source: Project Intersect Survey of Charter School Authorizers

Survey Analyses

We tallied the survey data and our findings are presented according to frequency of responses. In addition, we examined responses according to specific authorizer characteristics to assess whether specific types of authorizers handled issues related to special education differently than others. We analyzed the survey data according to type of authorizer based on previous research that indicated that authorizer type may influence practice (Ahearn et al., 2001; Bulkley, 1999; Hassel & Batdorff, 2004; Palmer & Gau, 2003; Vergari, 2000), and that authorizer practices may evolve with experience (Ahearn et al., 2001). Our preliminary analyses revealed that authorizer type (i.e., local education agency or other) and experience in terms

³ Sixteen authorizers identified themselves differently from how we initially identified them: 8 special-purpose chartering agencies identified themselves as LEAs, and 8 LEAs identified themselves as “other” or left the question blank. While a relatively small percentage, this identification skews this question so that LEAs are apparently underrepresented in the sample and special-purpose chartering agencies and “others” are overrepresented.

of number of schools are correlated. See Table 2. While acknowledging the covariance embedded in our analyses, our examination of the data nevertheless did provide insight into behaviors that appear to be influenced by each of these characteristics. A discussion of the relationship between the authorizer practice and type or experience is presented at the end of each section of the findings.

TABLE 2: CORRELATION OF AUTHORIZER CHARACTERISTICS

		Total Charter Schools Granted by Authorizer
Type of Authorizer	Pearson Correlation	.329(**)
	Sig. (2-tailed)	.000
	<i>N</i>	419

*** Correlation is significant at the .01 level (2-tailed).*

SURVEY FINDINGS

The following sections present the survey findings according to the four research questions about (a) characteristics of charter school authorizers and the charter schools they have granted, (b) the integration of special education into authorization, oversight, and renewal practices, (c) issues related to special education that are emerging in charter schools, and (d) the extent to which authorizers are providing technical assistance or special education infrastructures to help charter schools build capacity related to special education.

Characteristics of Charter School Authorizers and Charter Schools

We asked survey respondents a series of questions to document key characteristics of the authorizing entities and the schools that individual authorizers have granted. The following sections present the survey data related to (a) type of authorizer, (b) authorizer experience (i.e., according to years, number of schools granted, and types of schools created), and (c) enrollment. These characteristics provide a profile of the authorizers in the sample.

Type of Authorizer

State charter school laws authorize specific entities to grant charters to applicants. States designate a single entity (e.g., a state board of education) or

multiple entities (e.g., local education agencies or institutions of higher education). In order of frequency, the authorizer types documented by the survey were as follows: local education agency (LEA) (86%), college/university (6%), state education agency/board (4%), special-purpose chartering agency (2%), not-for-profit agency (2%), and other (<1%). For purposes of discussion and additional analyses, we categorized the authorizers as LEA and non-LEA.⁴ See Tables 3 and 4.⁵

TABLE 3: TYPE OF AUTHORIZER: ALL CATEGORIES

Type of Authorizer	Percent (Frequency)
Local education agency	85.7% (367)
College or university	6.3% (27)
State education agency	3.7% (16)
Not-for-profit agency	1.9% (8)
Special-purpose charter agency	1.9% (8)
Other (specify)	.46% (2)
Total	100% (428)
Missing	3

Table reads: 86% (367) of authorizers responding to the survey were local education agencies.

Source: Project Intersect Survey of Charter School Operators

⁴ Due to disparities in sizes, we collapsed the various types of authorizers into two primary categories: LEA and non-LEA. Collapsing does not remove the sample size limitation, but it provides a helpful categorization that does allow for additional statistical testing of the survey data.

⁵ The breakdown of charter authorizers according to type is somewhat misleading because while local districts are the most *common* type of authorizers, they are not the most *active* authorizers in terms of experience according to years granting charters and number of charter schools authorized (Palmer & Gau, 2003).

FIGURE 1: AUTHORIZER RESPONDENTS BY TYPE⁶

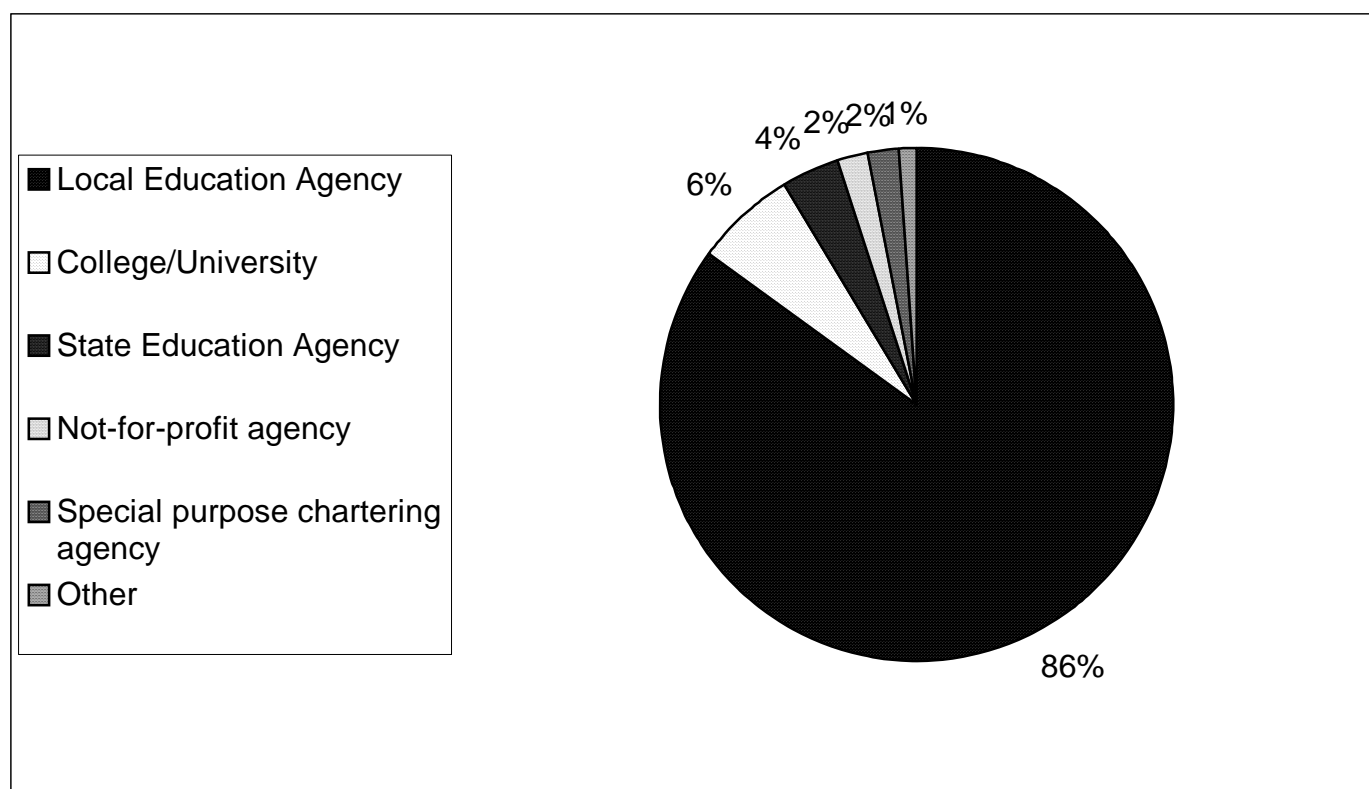


TABLE 4: TYPE OF AUTHORIZER BY TWO PRIMARY CATEGORIES: LEA AND NON-LEA

Type of Authorizer	Percent (Frequency)
LEA	85.7% (367)
Non-LEA ⁷	14.3% (61)
Total	100% (428)

Table reads: 86% (367) of the respondents are LEAs.

Source: Project Intersect Survey of Charter School Operators

⁶ Total adds up to more than 100% due to rounding

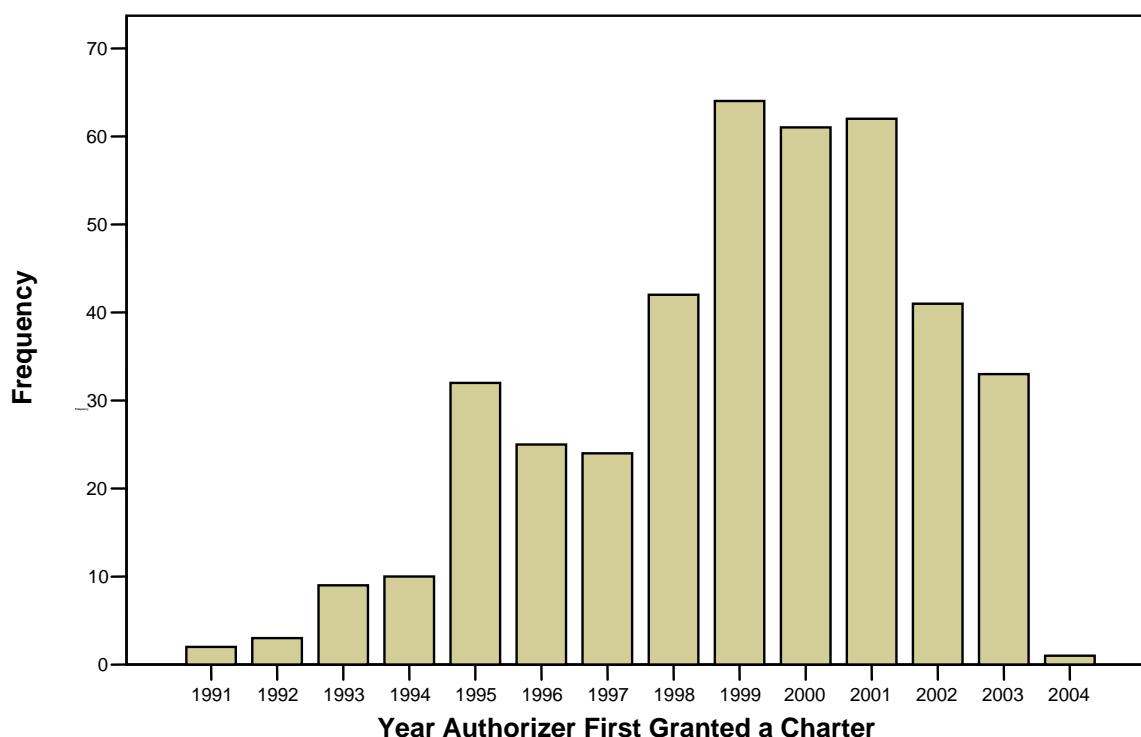
⁷ The non-LEA authorizer category represents all survey respondents that reported that categorized themselves as state education agency/state board of education (SEA), college or university, special-purpose chartering agency, not-for-profit agency, or “other.” The entities that did not report their type (n=3) are not included in these categories.

Authorizer Experience

The survey contained multiple questions regarding authorizer experience according to (1) years of experience, (2) number of charter schools granted, and (3) types of charter schools authorized.

Years of experience. The charter sector has been in existence for more than a dozen years, but individual authorizers have varying levels of experience depending on when the state charter school law passed and the number of years that authorizers in that state have been actively engaged in reviewing and granting charters. The survey asked authorizers to report the calendar year that their organization/agency authorized its first charter school. See Figure 2.

FIGURE 2: YEAR AUTHORIZER FIRST GRANTED A CHARTER



Source: Project Intersect Survey of Charter School Authorizers (2004)

For purposes of additional analyses, we categorized the authorizers as first-generation (1991–1995), second-generation (1996–2000), and third-generation (2001–2004). Fourteen percent of the respondents are first-generation authorizers, 53% are second-generation authorizers, and 34% are

third-generation. The majority of authorizers began authorizing between 1996 and 2000, and 52% of the authorizers in the sample have 5 or more years of experience as a charter authorizer.

Authorizer experience according to number of charters granted. By definition, all of the authorizers in the population had granted at least one charter. Authorizer experience ranged from a low of a single school to a high of 350 charter schools authorized. The mean number of charters granted was six and the median and mode were both one ($SD = 22.6$). The authorizers in the sample have granted a total of 2,437 charter schools. The majority of authorizers (72%) have granted only one or two charters each.

Nine percent of authorizers have granted 10 or more schools. Within this cohort, 3 authorizers have granted more than 100 schools each. Based on the distribution of authorizer experience, we divided the sample of authorizers into three categories according to their amount of experience granting charters: limited experience (1–2 schools), moderate experience (3–9 schools), and extensive experience (10 or more schools). See Table 5. These categories emerged from the distribution of number of schools granted (see Appendix A). Our analysis of authorizer practices related to special education included examining behavior according to these categories of experience.

TABLE 5: AUTHORIZER EXPERIENCE ACCORDING TO NUMBER OF CHARTERS GRANTED

Level of Experience by Number of Charter Schools Granted	Percent (Frequency)
Limited (1–2 charters granted)	72% (304)
Moderate (3–9 charters granted)	19% (80)
Extensive (10 or more charters granted)	9% (38)
Total	100% (422)

Table reads: 72% (304) of authorizers have granted either 1 or 2 charter schools.

Source: Survey of Charter School Authorizers: Project Intersect 2004

An independent sample t -test verified that the non-LEA authorizers have granted significantly more charter schools than LEA authorizers ($p < .001$).⁸ On average, LEA authorizers have granted 2.79 charters ($SD = 4.6$) and non-LEA authorizers have granted 24.20 charters ($SD = 56.337$). These figures indicate that authorizer type is related to level of activity, and consequently,

⁸ Due to the difference in sample size between LEA and non-LEA authorizers and the variability of rate of authorizing, we could not assume equal variances and therefore Levine's test is appropriate ($p = .005$).

experience. See Table 6. An analysis of variance (ANOVA) confirmed that there is a significant, positive correlation between the number of years of experience an authorizer has and the number of schools that it has authorized.

TABLE 6: NUMBER OF CHARTERS GRANTED ACCORDING TO AUTHORIZER TYPE

Authorizer Type	<i>N</i>	Mean	<i>SD</i>
LEA	360	2.79	4.66
Non-LEA	59	24.20	56.33

Table reads: The 360 LEA authorizers have granted a mean of 2.79 charter schools each.

Source: Survey of Charter School Authorizers: Project Intersect 2004

Authorizer experience according to type of charter schools granted. State charter school laws typically allow for the creation of multiple types of charter schools. Examples of types of charter schools are public and private school conversions, new start-ups, and cyber/virtual schools.⁹

On average, authorizers that have granted any conversion charter schools have granted one public school conversion, although the median and mode are both zero and the responses ranged from 0 to 32 (*SD* = 2.63). Altogether, authorizers in the sample reported having granted 216 charters for public school conversions, which account for 9% of all charter schools in the sample.

Authorizers reported similar data regarding private school conversions. Across the entire sample, authorizers have granted a low of 0 and a high of 25 charters for private school conversions, and the mean, median, and mode are all 0 (*SD* = 1.8). In aggregate, the authorizers reported granting 82 charters for private school conversions, accounting for 3% of all charter schools in the sample.

Authorizers have granted far more charters for new start-ups than for conversions. Authorizers in the sample reported granting a total of 2,103 charters for new start-ups, an average of 5 start-up charter schools per authorizer, with both a mode and median of one (*SD* = 21.4). However, this figure is skewed by the nine authorizers that are extremely active (i.e., have granted 10 or more schools). The responses ranged from a low of 0 to a high of 325 new start-ups granted. As a proportion of the total number of charter schools in the sample, start-ups represent 88%. See Table 7.

⁹ A cyber/virtual charter school is a school that delivers the majority of its instruction outside of a traditional brick-and-mortar school building.

Only 21% (50) of responding authorizers reported granting a cyber or virtual charter school. Of these 50 authorizers, only 2 have granted more than 5 such schools, and the mean was 1.54 ($SD = 0.857$). The 77 cyber charter schools represent 3% of the total number of charters schools represented in the sample.

Given the documented positive correlation between type of authorizer and years of experience and number of schools granted (i.e., non-LEA authorizers have granted more schools) and the small number of conversion and cyber/virtual charter schools, the analysis of types of charter schools relative to authorizer type and experience did not reveal additional correlations.

TABLE 7: TYPES AND NUMBER OF CHARTER SCHOOLS AUTHORIZED

	Public School Conversions	Private School Conversions	New Start-ups	Cyber/ Virtual
0 schools	64% (182)	86% (194)	5% (20)	79% (188)
1–5 schools	34% (95)	13% (30)	81% (309)	20% (48)
6–10 schools	1% (4)	< 1% (2)	6% (23)	< 1% (2)
11–20 schools	< 1% (2)	-	3% (13)	-
21–30 schools	-	< 1% (1)	2% (8)	-
31–40 schools	< 1% (1)	-	1% (2)	-
41–50 schools	-	-	< 1% (1)	-
More than 50 schools	-	-	2% (7)	-
Total Respondents	100% (n = 284)	100% (n = 227)	100% (n = 383)	100% (n = 238)

Table reads: 64% (182) of the authorizers that responded have granted zero charters for public school conversions.

Source: Survey of Charter School Authorizers: Project Intersect 2004

*Charter schools primarily or entirely for students with disabilities.*¹⁰ Charter school founders determine their school model, and some have opted to create charter schools that focus primarily or entirely on educating students with disabilities. These schools may be conversion schools, new start-ups, or cyber/virtual charter schools. Forty charter authorizers reported that they have granted a total of 77 charter schools designed primarily or entirely to serve

¹⁰ Charter schools must maintain open enrollment policies and cannot make existence of a disability or other characteristics a condition of enrollment. However, they can provide a unique program that aims to attract a specific population (e.g., children with disabilities, students with an interest in art or mathematics).

students with disabilities. These 77 schools represent 3% of all charter schools in the sample. The number of charter schools designed to target a special education population granted by individual authorizers ranges from a low of 0 to a high of 20, with a mean of less than 1 ($SD = 1.17$). Of these 40 authorizers, 35 reported that they have chartered only one such school.

An ANOVA revealed a statistically significant difference in the average number of charters granted for schools geared to students with disabilities according to how many charters the authorizer had granted overall; the more charters granted, the greater chance of an authorizer granting a charter to a school primarily for students with disabilities ($p = .000$). Our analyses also revealed that there is a difference in the number of charter schools granted for students with disabilities according to type of authorizer (LEA or non-LEA) and years of experience, but when the limitations associated with unequal variance are taken into consideration, neither of the differences reaches a significant level.

Authorizer experience according to total enrollment. Charter schools range in size, and the total enrollment of schools granted by a single authorizer can provide insight into the potential impact an individual authorizer can have on students. Authorizers were asked to provide data regarding their total enrollment as well as their enrollment of students with Individualized Education Programs (IEPs) and Section 504 plans.

The charter schools granted by the authorizers that participated in the survey enrolled a total of 526,611 students during the 2002–2003 academic year. Enrollment per authorizer ranged from a low of 0 to a high of 65,000 students, with an average enrollment of 1,375 students per authorizer ($SD = 5,004.23$).¹¹ We divided the total number of students enrolled per authorizer by the number of schools granted to calculate the average per-school enrollment of the schools. The average per-school enrollment was 205 students, with a median of 111 students ($SD = 313$).

Enrollment of Students With IEPs and Section 504 Plans

Only 256 of the authorizers in our sample reported the data we needed to calculate the overall percentage of students with disabilities enrolled. Of those authorizers that did report the necessary data, the percentage of total student enrollment identified as having a disability enrolled in schools granted by the authorizer ranged from 0.00% to 100%, with a mean of 12.8% ($SD = 15.66978$). However, this percentage represents a weighted average. When the total number of students with disabilities is divided by the total enrollment in

The charter schools granted by the authorizers that participated in the survey enrolled a total of 526,611 students during the 2002–2003 academic year.

¹¹ These calculations exclude authorizers that did not report data regarding enrollment ($n = 48$) but include authorizers that reported school enrollment of 0 ($n = 20$).

the schools that reported both figures (31,414/369,604) the overall percentage of students with disabilities drops to 8.5%. The difference reflects the great deal of variance in the number of students with disabilities enrolled in the charter schools and the fact that 3 small schools enrolling 100% students with disabilities skew the mean. None of the key authorizer characteristics (i.e., type of authorizer and experience according to years, number of schools granted, or total enrollment) had a significant effect upon the percentage of students with disabilities enrolled in the schools.

Only 162 of the authorizers reported data regarding enrollment of students with Section 504 plans and total enrollment.¹² Of the group that responded, the enrollment of students with 504 plans ranged from 0.00% to 64% of the total population of students in charter schools granted by the authorizer, with a mean of 2.43% ($SD = 7.29804$). Similar to the finding regarding enrollment of students with IEPs, key charter authorizer characteristics did not have a significant effect upon the percentage of students with Section 504 plans enrolled in schools granted by each authorizer.

Integrating Special Education Into Authorization, Oversight, and Renewal Practices

In order to quantify authorizer practice related to special education, we asked authorizers to provide data regarding their legal responsibility for special education, practices during the application and authorization phase, involvement with special education in charter schools, oversight activities related to special education, and the role (if any) of special education in their renewal process.

Legal Responsibility

The federal IDEA assigns states the legal responsibility for providing FAPE and LRE and, in turn, states assign this responsibility to local school districts, and ultimately, individual schools. In the early stages of the charter school movement, there was confusion regarding the degree to which charter schools would be responsible for fulfilling the obligations associated with IDEA. In particular, charter schools' status as either part of an LEA or an

¹² Section 504 plans are the written documents used to document what accommodations a student with a disability is to be provided in a public school under the auspices of Section 504 of the Rehabilitation Act of 1973. Under Section 504, a recipient of federal funds "that operates a public elementary or secondary education program" must provide a free appropriate public education to students with disabilities. Section 504 is broader than IDEA and essentially confers the same entitlement to services for students with disabilities, although there are no funds available under 504 as there are under IDEA.

LEA unto themselves created some ambiguity regarding legal responsibility (Heubert, 1997). To discern the degree to which authorizers understand and carry out their legal responsibility, we asked authorizers to describe their legal responsibility for providing special education and related services to students with disabilities attending charter schools that they authorize. In order of frequency, authorizers share responsibility with charter schools (36%), retain total legal responsibility (35%), or have no legal responsibility (23%). The remaining respondents (7%) didn't know or indicated an "other" level of responsibility.

The responses reveal that (a) most respondents are aware of their role related to legal responsibilities associated with special education in the charter schools they authorize and (b) the majority (71%) have a relatively high level of responsibility for a particular aspect of what are arguably supposed to be autonomous public schools.

Further analysis documented that type of authorizer had a significant effect upon the level of responsibility ($p < .000$) and that non-LEA authorizers are more likely to report having "no legal responsibility" for special education. The number of charter schools granted also had a significant effect upon legal responsibility in that the more schools an authorizer granted, the more likely that the authorizer would have no legal responsibility ($p = .002$). Authorizers that have granted one or two charters have more responsibility than authorizers that have granted three to nine ($p = .032$). Authorizers that have granted 3–9 charter schools have more responsibility than authorizers that have granted 10 or more charters ($p = .029$). These findings indicate that the more active authorizers have less responsibility for special education and related services than the less active authorizers. Amount of experience in years did not have a significant effect upon legal responsibility.

Application Requirements

Authorizers' responsibilities related to special education commence when they review and negotiate charter applications. We asked authorizers to describe what they require applicants to provide in the way of information about special education. Overall, authorizers are asking applicants to provide information, but the information requested ranges from a basic assurance not to discriminate to detailed plans for provision of special education services. Specifically, 79% of the authorizers in the sample require either a general or specific written assurance not to discriminate against any group, while 68% require either minimal or detailed information about plans for meeting special education responsibilities and services. A total of 89 (21%) require only general and/or specific assurances, and 47 (11%) require only minimal or

detailed information about plans for meeting special education responsibility and services.

Type of authorizer did not have a significant effect upon what potential applicants were required to provide to the authorizer related to special education. However, experience according to number of schools granted did have a significant effect in that the more experienced authorizers (i.e., those that had granted 10 or more schools) were significantly more likely to require a specific written assurance not to discriminate against students with disabilities than were those authorizers that had granted only 1–2 schools ($p = .002$). More experienced authorizers were also more likely to require detailed information about planned special education services ($p = .031$) and less likely to report that they did not know the requirements ($p < .000$).

Authorizer Involvement With Special Education in Charter Schools

We asked authorizers to characterize the degree to which they are involved with special education in the schools they charter; with possible responses ranging from “not involved” to actually “providing special education services.” A total of 32% provide special education in the schools they authorize, 13% are involved when the school is authorized or renewed, 22% work with schools related to special education as requested, 15% supervise special education, 12% of the respondents reported that they were not involved, 1% did not know, and 5% characterized their involvement as “other.” The level of involvement was not significantly different for LEA versus non-LEA authorizers or according to authorizer experience measured by number of schools granted or years of experience.

Oversight Activities

Charter schools are held accountable for meeting the objectives of their charters and participating in the accountability systems driven by NCLB. They are also responsible for submitting data related to special education monitoring required by IDEA. We asked authorizers to report whether they are coordinating oversight activities related to special education in the charter schools that they grant. The majority (76%) reported they coordinate oversight, 15% are not coordinating oversight activities, and 9% did not know whether they coordinate oversight. When oversight is examined according to authorizer type and experience, there were no significant differences among the authorizers by type or experience.

Consideration of Special Education Record During the Renewal Process

The charter renewal process provides charter authorizers the opportunity to review a school's operations and outcomes to determine whether to allow the school to continue to operate. We asked authorizers whether they review a charter school's special education record as a required component of the renewal process. The majority of charter authorizers (60%) do include special education in the renewal process. Nearly 30% do not require charter schools to provide information about special education as apart of the renewal process, and 11% did not know whether this was a component of the renewal process. Based on this information, at a minimum, 30% of authorizers were not considering special education during renewal, and this percentage could be as high as 41%.

When considered according to type of authorizer and experience, there were no significant differences related to considering special education during the renewal process.

Issues That Emerged Related to Special Education in the Charter Sector

Research regarding charter schools has documented with varying degrees of specificity that charter schools frequently struggle to provide special education and related services. In an effort to quantify these issues, we asked the authorizers to identify challenges associated with special education, report whether they have taken action against a charter school due to a special education complaint, specify the area of any such complaint, and report whether special education has been a factor in the revocation of a school's charter.

Challenges Associated With Special Education in Charter Schools

Prior research has not documented the variety of issues that may potentially be a challenge to charter schools or attempted to disentangle issues regarding whether the challenge is primarily a start-up issue or an ongoing challenge. Table 8 presents a summary of issues that we hypothesized might be challenges to charter schools and that authorizers categorized as "not a challenge," a "challenge primarily during start-up," or a "continuing challenge." Of note, the issues that more than 50% of the authorizers identified as continuing challenges are the same ones that arguably most public schools struggle to address (i.e., incorporating students with disabilities in NCLB requirements, finding qualified special education teachers, having adequate funds to provide services to special education students, finding

qualified related service personnel, knowing special education laws and regulations, providing services for students in low-incidence disability areas, understanding monitoring and compliance requirements, working with parents of children with disabilities, and implementing the IDEA discipline procedures) (USDE, 2003).

TABLE 8: SPECIAL EDUCATION CHALLENGES IDENTIFIED BY AUTHORIZERS

Challenge	Continuing Challenge		Challenge Primarily During Start-up (First 3 Years)		Not a Challenge	
	Rank	%	Rank	%	Rank	%
Incorporating students with disabilities in NCLB requirements	1	67.6%	18	7.5%	16	24.9%
Finding qualified special education teachers	2	66.8%	15	9.6%	17	23.6%
Having adequate funds to provide services to special education students	3	59.7%	5	15.0%	15	25.3%
Finding qualified related service personnel	4	55.8%	9	11.5%	12	32.7%
Knowing special education laws and regulations	5	54.7%	2	24.4%	18	20.9%
Providing services for students in low-incidence disability areas	6	52.9%	17	8.7%	11	38.4%
Understanding monitoring and compliance requirements	7	52.0%	3	15.5%	13	32.4%
Working with parents of children with disabilities	8	51.5%	14	10.1%	10	38.4%
Implementing the IDEA discipline procedures	9	50.0%	10	11.3%	9	38.7%
Modifying the school's core curriculum for students with disabilities	10	49.6%	11	10.9%	8	39.5%
Implementing the IEP	11	47.9%	8	12.6%	7	39.6%
Providing professional development for special education teachers	12	45.9%	16	9.3%	6	44.8%
Understanding special education finance	13	44.5%	1	25.7%	14	29.8%
Following due process procedures	14	41.1%	4	15.3%	5	43.5%
Obtaining IEP files from sending school	15	36.1%	13	10.4%	4	53.5%
Working with LEA or other special education provider	16	31.3%	6	13.5%	3	55.3%
Providing transportation for students with disabilities	17	29.1%	12	10.2%	1	60.7%
Providing an accessible facility	18	28.2%	7	13.3%	2	58.5%

Table reads: 67.6% of the respondents identified incorporating students with disabilities in NCLB requirements as a continuing challenge.

Source: Survey of Charter School Authorizers: Project Intersect 2004

Examined through the lens of key authorizer characteristics, type of authorizer does not appear to have an effect upon the types of special education issues that authorizers identify as ongoing challenges, with two exceptions: Non-LEA authorizers identified working with LEAs and obtaining IEP files as a continuing challenge significantly more often than LEA authorizers did, and the more experienced authorizers (both in number of schools granted and years of experience) categorized more issues as continuing challenges than the less experienced authorizers did.

Complaints Related to Special Education in Charter Schools

To assess the degree that challenges translate to formal complaints, we asked authorizers whether during the past three years their organization or agency had been required to take action against any charter school due to special education complaints. Fifty-four authorizers (13%) reported that they had received complaints that had required action. Of these 54 authorizers, only 40 reported how many complaints they received. The number of schools for which they had received complaints ranged from 1 to 14, with a mean of 2.68 complaints ($SD = 2.903$).

In order of frequency, the top five areas of complaints identified were provision of special education instruction, due process, qualifications of special education teachers, provision of related services, and discipline. Due to the small size of the group of authorizes who reported receiving complaints related to special education, we did not run any further analyses on these data.

Charter Revocations Associated With Special Education

Thirteen authorizers reported that special education had been a factor in revoking a charter, and the mean number of schools revoked was 1 ($SD = .667$); 93% reported that special education had not been a factor in any revocations. Due to the small size of the group of authorizes for which special education had been a factor in revocation, we did not run any further analyses on these data.

Technical Support and Special Education Infrastructures

Technical assistance and direct support are key strategies to build capacity in charter schools. We asked authorizers to identify providers of special education technical assistance and training, report whether they offer or require technical assistance and training during the authorization process once schools are in operation, and to identify the organizations or strategies that

charter schools are using to assist with the ongoing provision of special education services in their schools.

Primary Providers of Technical Assistance and Training

We asked authorizers to identify the *primary providers* of special education technical assistance and training to the charter schools they have authorized. In order of frequency, authorizers identified themselves as the primary providers (37%), intermediate education agencies (e.g., an intermediate school district or a Board of Cooperative Education Services) (25%), and local districts that are not authorizers (24%). Other entities that exist primarily to support charter schools (i.e., charter resource centers, local nonprofits, or education management organizations) were identified much less frequently (i.e., < 5%) than the entities that could be categorized as traditional public education technical assistance providers (i.e., school districts and intermediate agencies).

In order of frequency, the primary providers of special education technical assistance identified by authorizers were

- *authorizers (37%),*
- *intermediate education agencies (e.g., intermediate school district or a Board of Cooperative Education Services) (25%), and*
- *local districts that are not authorizers (24%).*

Further analysis revealed that type of authorizer does have a significant impact upon the entities identified as being the primary providers of special education technical assistance. LEA authorizers reported that their charter schools receive more technical assistance from authorizers ($p < .000$), LEAs other than the authorizer ($p < .000$), and local nonprofits ($p = .005$), whereas non-LEA authorizers reported that their charter schools receive more technical assistance from charter school membership associations ($p < .000$), individual charter schools ($p = .045$), the state-level special education administrator for charter schools ($p = .005$), and education management organizations ($p = .022$).

According to number of schools granted, authorizers that have granted 10 or more report that their charter schools are receiving significantly more technical assistance from charter school resource centers and state-level special education administrators than authorizers that have granted 1–2 or 3–9 charter schools. By contrast, the authorizers that have granted only 1–2 or 3–9 schools reported that the primary providers of special education technical assistance to their schools are the authorizers themselves and LEAs other than the authorizers.

Technical Assistance and Training During the Authorization Process

To assess the current status of technical assistance and training, we asked authorizers to report whether they offer or require training during the application and authorization phase. Just over half of the authorizers (55%) reported that they do not require technical assistance or training during the initial authorization or application phase, 39% reported that they did, and 6%

did not know what was required related to technical assistance and training during the authorization and application phase.

When analyzed according to authorizer type and experience, the only characteristic that influences technical assistance during training is the number of schools that have been granted. Authorizers that have granted one to two charter schools are significantly less likely to provide special education training and technical assistance during the authorization process than those authorizers that have granted three or more charter schools ($p = .005$) and those that have granted 10 or more charters ($p = .023$). The difference between moderately experienced and extensively experienced was not significant.

Areas of Technical Assistance and Training During the Authorization or Application Process

We asked the authorizers to identify in what areas they require applicants to participate in technical assistance and training during the authorization and application process. In order of frequency, authorizers reported that they require technical assistance and training related to providing special education services (22%), special education monitoring and compliance (21%), reporting data to the state (20%), introducing general disability laws, (18%), funding special education (18%), and establishing eligibility and the IEP process (18%).

Thirty-nine percent of authorizers require training related to special education during the application and authorization phase.

The focus of voluntary technical assistance is slightly different from required technical assistance. In order of frequency, authorizers offer technical assistance and training during the authorization and application process in the following areas: introducing general disability laws (23%), establishing eligibility and the IEP process (23%), providing special education services (20%), special education monitoring and compliance (20%), reporting data to the state (19%), and funding special education (19%).

Due to the relatively low response rate to the question related to types of technical assistance offered, we did not conduct additional analyses related to the relationship between authorizer type and experience and areas of special education technical assistance and training.

Technical Assistance and Training to Charter Schools During Operation

We asked authorizers to report whether they offer or require technical assistance once charter schools are operating. A total of 65% offer or require technical assistance for operating charter schools, 33% do not, and 2% of the authorizers did not know whether they do.

Further analysis documented that type of authorizer did not have a significant effect upon whether technical assistance is offered or required of operating charter schools. However, there was a significant difference between the authorizers that had granted 1–2 schools and those that had granted 10 or more, with the more experienced authorizers more likely to offer or require technical assistance once schools are operating ($p < .000$).

Areas of Technical Assistance and Training During Operation

In order of frequency, authorizers who require charter operators to participate in training reported requiring training in special education monitoring and compliance (38%), reporting data to the state (34%), providing special education services (33%), establishing eligibility and the IEP process (31%), introducing general disability laws (27%), and funding special education (26%).

In order of frequency, authorizers who offer charter operators technical assistance and training are doing so in the following areas: introducing general disability laws, (31%), establishing eligibility and the IEP process (28%), providing special education services (28%), special education monitoring and compliance (24%), funding special education (21%), and reporting data to the state (19%).

Due to the relatively low response rate to the survey question on types of technical assistance offered once schools are operating, we did not conduct additional analyses related to the relationship between authorizer type and experience and areas of special education technical assistance and training.

Organizations and Strategies Assisting With Ongoing Provision of Special Education

To quantify the entities serving as special education infrastructures, we asked authorizers to report what organizations or strategies charter schools are using to assist with the *ongoing provision* of special education services. In order of frequency, the authorizers identified themselves (49%), intermediate education agencies (35%), individual consultants (30%), state-level special education administrators (17%), and LEAs that are not authorizers (16%). Evolving special education infrastructures that prior research had identified as potentially helpful (e.g., risk pooling, special education cooperatives, and local nonprofits) were not identified nearly as frequently as those entities that with the exception of individual consultants, appear to be tightly aligned with the traditional public education system.

When analyzed according to authorizer characteristics, LEA authorizers were significantly more likely to identify authorizers ($p < .000$) and risk pools

($p = .014$) as the source of ongoing provision of special education services. Non-LEA authorizers were more likely to identify special education cooperatives for charter schools ($p = .024$), a state-level special education administrator for charter schools located in the SEA ($p < .000$), individual consultants ($p < .000$), and education management organizations ($p < .000$).

Experience also influenced type of special education infrastructures. Authorizers that had granted three or more charter schools were more likely to report that their charter schools rely on education management organizations for the ongoing provision of special education ($p = .003$) than less active authorizers. Authorizers that had granted 10 or more charters were more likely to report that their charter schools rely on state-level administrators of special education ($p = .016$), education management organizations ($p < .000$), and individual consultants ($p < .0000$) than charter schools that had granted one or two charters and more likely to report that their charter schools rely on education management organizations ($p < .006$) and consultants ($p < .000$) than authorizers that had granted between 3 and 9 charters.

The most prevalent sources of ongoing assistance with the provision of special education and related services are

- *authorizers,*
- *intermediate education agencies,*
- *individual consultants,*
- *state-level special education administrators, and*
- *LEAs that are not authorizers.*

SUMMARY OF KEY FINDINGS

Project Intersect personnel conducted a survey of the population of charter school authorizers ($N = 676$) between December 2003 and July 2004. Charter authorizers are key stakeholders in the charter school movement and thus, their insight regarding how they integrate special education into their policies and procedures is a critical component of the larger analysis of special education in the charter school sector.

Charter School Authorizer Characteristics

The survey documented that the majority of authorizers are local education agencies and with the exception of a small cohort of authorizers that have granted 10 or more charters, most authorizers have only granted a single charter and therefore have relatively limited experience with charter school policy development and implementation.

The first four years of the charter movement saw a gradual entry of new authorizers. In 1995, the number of authorizers granting charter schools increased rapidly and continued to increase until 1999, with a notable decrease of new authorizers after 2002. Based on the data regarding experience, there is presumably a foundation of knowledge accumulated by the majority of authorizers that have had multiple years to develop charter

school policies and practices. While there are small clusters of private and public school conversions nationwide, the vast majority of charter schools are new start-ups. Cyber/virtual schools and schools primarily for students with disabilities are relatively small niches in the overall charter sector. Our analyses of charter school enrollments indicate that on average, charter schools appear to be smaller than traditional public schools (205 versus 521 for all schools and 476 for elementary schools) but these charter schools data are based on self-reported estimates and therefore, somewhat limited (National Center for Education Statistics, 2006).

Integrating Special Education in Authorization, Oversight, and Renewal

The survey confirmed that most authorizers are aware of their organizations' responsibilities related to special education in the charter schools they authorize. The majority of authorizers (71%) have a relatively high level of responsibility for special education in charter schools they grant. Yet, the manner in which this responsibility translates into actual practices varies. Nearly a third of the authorizers provide special education in the schools they authorize, 22% work with special education as requested by schools, 15% supervise special education in the schools they authorize, 13% are involved when schools are authorized or renewed, and 12% are not involved.

Most authorizers are asking potential charter operators to provide information reflecting a basic knowledge of special education by requiring a specific written assurance, and more than half are asking for some type of plan related to special education. Yet, 21% don't ask charter applicants for any information related to special education beyond basic reassurances not to discriminate. However, 76% are coordinating oversight activities related to special education with IDEA monitoring in charter schools, and 60% of the authorizers report that they include special education as a requirement of a charter school's renewal process.

Special Education Issues Emerging in the Charter Sector

Special education can be a challenge for a new charter school during its first several years of operation, and it sometimes becomes a continuing challenge beyond that point (Ahearn et al., 2001). Key challenges identified during the start-up period are understanding financial issues related to special education, and knowing special education regulations. Ongoing challenges identified by more than 65% of the authorizers were finding qualified special education teachers and incorporating students with disabilities in NCLB.

While authorizers confirm that special education can be a challenge, the relevant issues don't appear to be leading to large numbers of complaints. A total of 54 authorizers constituting 13% of the sample reported receiving complaints, and special education was reported as the cause of revoking a charter by 3.1% (13) of the authorizers. Nevertheless, the number of complaints and revocations draw attention to the need for accurate monitoring and substantive accountability for special education in charter schools.

Technical Assistance and Special Education Infrastructure

Authorizers are actively engaging in not only technical assistance but actual provision of special education services in charter schools. Charter authorizers are a key source of technical assistance related to special education, and most authorizers are either requiring or offering technical assistance during the authorization and application phase and/or once schools are operational. Authorizers emerged as a primary, ongoing source of special education in charter schools, as did intermediate education agencies and individual consultants.

Authorizer Characteristics

The confounding variables embedded in authorizer type and experience limit our interpretation of the implications of our secondary analysis related to authorizer characteristics. For example, state policy dictates who is permitted to authorize charter schools and other parameters that shape each state's charter school policy context. Furthermore, a few states have disproportionately high numbers of charter schools (e.g., Arizona, California, Michigan, and Texas), and these states were early entrants to the charter sector. Consequently, our findings related to authorizer type and experience may reflect the policy conditions in these states rather than just the authorizers' characteristics. Furthermore, absent data regarding outcomes, the survey data alone preclude assessment of "best" or "effective" authorizer practices. While acknowledging the limitations, our secondary analyses did reveal some patterns that we propose should be further explored in order to verify and examine the correlation.

Differences Between LEA and Non-LEA Authorizers

Our secondary analysis revealed that on some issues related to special education, the two categories of authorizers may develop different policies and practices. First, non-LEA authorizers have granted significantly more charter schools and report having less legal responsibility for special education in the charter schools they grant. Non-LEA authorizers are also

more likely to have taken action due to complaints related to special education, but this may be a product of the larger number of schools they have granted rather than an indication that schools granted by non-LEAs have more special education complaints or problems. Finally, non-LEA authorizers are less likely to identify themselves as the primary provider of special education technical assistance or ongoing special education services. Overall, while both types of authorizers reported a somewhat unexpected level of involvement and responsibility for special education in the charter schools they grant, the non-LEA authorizers report having less responsibility and less involvement with special education in the schools they authorize than their LEA peers.

Authorizer Experience

Authorizers that have granted fewer than 10 schools appear to address a number of issues related to special education differently from their peers who have granted 10 or more schools. The active authorizers have granted more schools that are primarily or entirely for students with disabilities, and they are less likely to have legal responsibility for special education in the schools they have granted; yet, they were more likely to identify special education issues as continuing challenges. The authorizers with extensive experience are relying to a greater extent on charter school resource centers for technical assistance and are more likely to require special education training and technical assistance during the authorizer process and once schools are operating.

DISCUSSION AND POLICY IMPLICATIONS

Charter school authorizers are the gatekeepers to the charter sector and are responsible for monitoring the quality of the charter schools they authorize. Yet, there is an absence of research regarding authorizer practices and specifically, those practices related to educating students with disabilities in accordance with the IDEA. Our survey of charter school authorizers provides a quantifiable and generalizable portrait of the current status of specific authorizer practices related to special education in charter schools. Our data depict a relatively high degree of engagement between authorizers and the schools they grant in regard to developing, sustaining, and monitoring the education of students with disabilities. Based on prior research related to challenges associated with special education in charter schools, we propose that contrary to demands for autonomy, special education is an area

where it is appropriate for authorizers to play a specific role in either providing services or ensuring that charter schools have the capacity to do so themselves. Absent this type of help from authorizers, charter schools may struggle to provide services and consequently, fail to be viable options for students with disabilities. In aggregate, our survey findings provide new insight related to (a) the characteristics of charter authorizers and the schools they grant, (b) authorizers' role in providing technical assistance and capacity to charter schools, and (c) charter schools' accountability for providing access and services to all students.

Characteristics of Authorizers and the Charter Schools They Grant

Local education agencies are the most common type of authorizers, but in terms of charter schools granted per authorizer, they are the least active. State education agencies, colleges and universities, and appointed charter boards are the most active authorizers according to number of schools granted. A noteworthy difference between these entities is that most exist for a purpose *other than* granting and monitoring charter schools; in fact for most of these entities, charter authorizing is a minor component of their larger responsibilities. Furthermore, LEAs and SEAs are assigned responsibility to authorize—regardless of whether or not they want to authorize or think they have capacity to authorize—but colleges and universities volunteer to authorize charter schools, and appointed boards are created solely for that purpose. This distinction is relevant because charter authorizers that become authorizers involuntarily or in addition to existing responsibilities may not have the opportunity to dedicate resources to studying relevant issues and developing coherent charter school policies.

Most charter authorizers (66.5%) have more than five years of experience granting charters, but few of these authorizers have granted more than a single charter school. Therefore, while they presumably have had time to develop policies and practices related to these unique new public schools, the relatively small number of schools granted may preclude allocation of significant resources to developing policies or a functioning infrastructure to support them.

Level of experience may have diverse implications for practice. An authorizer that has granted only one or two schools may not have had the opportunity or need to develop comprehensive policies or systems to manage chartered public schools. Conversely, an authorizer that has granted just a couple of schools may be able to dedicate more time and resources to supporting them, whereas granting additional schools would require that available resources be further diluted.

Potentially compounding issues associated with lack of experience is the practical reality that the most common type of school granted is a new start-up, which presumably requires the greatest amount of initial investment to ensure that the school has the capacity to operate. In contrast to previously existing schools, brand new schools are required to create their own systems and standard operating practices in the middle of conducting the day-to-day business of educating children. While public and private school conversions remain the exception rather than the rule in the charter sector, these schools may provide unique benefits and challenges associated with transitioning to a new form of governance with potentially unique rules and regulations.

Cyber/virtual charter schools and charter schools primarily or entirely for students with disabilities are a small component of the charter sector. Little is known about how these schools are educating students with disabilities and the degree to which they are able to build the required capacity to provide FAPE or LRE. Cyber charter schools represent a new approach to educating children. In fact, we propose that these schools may be the most tangible example of how the charter sector is introducing innovation in public education. While our survey did not provide detailed insight into how cyber schools are educating students with disabilities or the quality of the programs, the number of these schools justifies a more in-depth inquiry. Cyber schools may open up new opportunities for students with unique learning requirements—including students with a range of disabilities—but ensuring adequate access and related support to all students who opt to enroll in cyber schools raises new questions about the evolving meaning of FAPE and LRE provisions.

Special education charter schools also raise questions regarding the notion of LRE. Yet, in contrast to historical concerns about students with disabilities having limited options outside of highly restrictive environments, students with disabilities attend charter schools by choice, including charter schools that target students with disabilities. The LRE for a child is determined by that child's IEP team, but this process is more complex when the exercise of parental choice is involved. The degree to which a charter school could represent a restrictive environment is unclear and requires further exploration.

Contrary to early concerns that charter schools would discriminate against students with disabilities, the data provided by the authorizers indicate that students with disabilities make up 8.5% of the charter school population, and when considered as a percentage of average enrollment, the proportion increases to 12.8%. As of December 1, 2001, 5.8 million 6- to 21-year-olds with disabilities were served via IDEA. This number represented 8.9% of all 6- to 21-year-olds living in the U.S., and 12.1% of those enrolled in public

schools (USDE, 2003). While limited due to the fact that the survey asked authorizers to *estimate* the total enrollment of students with disabilities in the schools they authorized, these data appear to indicate that students with disabilities are choosing to enroll in charter schools and the proportion may be relatively aligned with the national averages.

Authorizers' Responsibility for Technical Assistance and Capacity Building

Regardless of type of charter school, authorizers reported a high level of responsibility for special education in the charter schools they have granted, and they report that they are taking a substantive role in providing these schools with technical assistance and direct provision of special education and related services. The degree to which authorizers report that they are responsible or involved with special education in charter schools, including requiring special education training for both applicants and operators, was somewhat surprising given the significance of autonomy to charter schools. While our interpretation of the data is limited due to the nature of our data, we propose that this finding indicates that authorizers may be unwilling, or unable due to state law, to grant charter schools much autonomy in matters related to special education because of the highly regulated nature of the IDEA, and that charter operators may be seeking additional support from authorizers to meet the challenges associated with special education. Our data do not provide insight into causality but do clearly document that many authorizers are taking a lead role in ensuring that charter schools are prepared to address the education requirements of students with disabilities and in many instances, actually providing these services.

Charter Schools' Accountability for Providing Access and Services to All Students

Accountability for students with disabilities is ambiguous at best, both in terms of requiring information prior to authorization and then reviewing information at renewal time. The relatively high percentage of authorizers that reported that they do not know whether they coordinate oversight activities related to special education in the charter schools is problematic given that authorizers are presumably the entities responsible for ensuring that charter schools fulfill all obligations associated with IDEA.

Questions about accountability are compounded by the practical reality that due to their relatively small size, charter schools may not publicly report the academic achievement of the sub-group of students with disabilities. A recent analysis of special education in California charter schools confirmed

the multiple challenges associated with ascertaining the academic performance of students with disabilities in charter schools (Rhim, Faulkner, & McLaughlin, 2006). Absent transparency associated with NCLB requirements, it is critical that authorizers take a proactive role in monitoring special education programs and the academic progress of students with disabilities who enroll in charter schools.

The data regarding complaints and revocations linked to special education may be an indication that the challenges presented are manageable. However, accurately discerning the implications of these data absent comparable data from traditional public schools requires additional exploration of special education provision in a random sample of charter schools.

CONCLUSION

Charter schools are a high-profile and developing component of contemporary school reform initiatives based on leveraging accountability to improve student outcomes. At their core, charter schools are public schools and therefore required to fulfill a plethora of obligations associated with their public status. The degree to which charter schools are accessible and offer high-quality educational opportunities for students with and without disabilities is arguably a core indicator of their ability to fulfill their mission as public schools. We propose that charter school authorizers are central to ensuring that charter schools are aware of their responsibilities related to educating students with disabilities, and that the schools are prepared to provide special education and related services to students as required. Our national survey of charter authorizers documented what these gatekeepers are and are not doing related to special education during the authorization and application stages and once schools are operating. Most authorizers appear to be taking a lead role related to special education in the charter schools they grant, and we propose that while not without its challenges, this role is appropriate and perhaps necessary to ensure that charter schools either develop or access necessary capacity to educate students with disabilities.

REFERENCES

- Ahearn, E., Lange, C., McLaughlin, M. J., & Rhim, L. M. (2001). *Project SEARCH: Special education as requirements in charter schools. Final report of a research study*. Alexandria, VA: National Association of State Directors of Special Education.
- Ahearn, E. A., Rhim, L. M., Lange, C., & McLaughlin, M. (2005). *Project Intersect research report #1: State legislative review*. College Park, MD: *Project Intersect*.
- Anderson, L., Edelman, N., Cotton, L., Finnigan, K., Donnelly, M. B., & Price, T. (2002). *A decade of charter schools: Evaluation of the public charter schools program: 2000–2001 evaluation report*. Retrieved March 1, 2005, from <http://sri.com/policy/cep/choice/yr2.pdf>
- Anderson, L., Finnigan, K., Price, T., Edelman, N., Cotton, L., & Donnelly, M. B. (2003, April). *Multiple perspectives on charter school accountability: Research findings from charter schools and charter school authorizers*. Paper presented at the annual meeting of the American Educational Research Association, Chicago, IL.
- Best, S. J., & Krueger, B. S. (2004). *Internet data collection: Vol. 141. Quantitative applications in the social sciences*. Newbury Park, CA: Sage.
- Bulkley, K. (1999). Charter school authorizers: A new governance mechanism? *Educational Policy*, 13(5), 674–697.
- Bulkley, K. (2001). Educational performance and charter school authorizers: The accountability bind. *Educational Policy Analysis Archives*, 9(37). Retrieved September 9, 2004, from <http://www.epaa.asu.edu/epaa/v9n37.html>
- Center for Education Reform. (2004). *National charter school directory* (9th ed.). Washington, DC: Author.
- Center for Education Reform. (2005). *Charter school statistics*. Retrieved March 22, 2005, from www.edreform.com/index.cfm?fusAction=state.StatChart
- Chubb, J. E., & Moe, T. M. (1990). *Politics, markets and America's schools*. Washington, DC: The Brookings Institution.
- Dillman, D. A. (2000). *Mail and internet surveys: The tailored design method* (2nd ed.). New York: John Wiley & Sons.
- DiMaggio, P. (1982). Cultural capital and school success: The impact of status culture participation on the grades of U.S. high school students. *American Sociological Review*, 47, 189–201.

- DiMaggio, P., & Powell, W. (1983). The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review*, 48(2), 147–160.
- Finn, C. E., Manno, B. V., & Vanourek, G. (2000). *Charter schools in action: Renewing public education*. Princeton, NJ: Princeton Press.
- Finnigan, K., Adelman, N., Anderson, L., Cotton, L., Donnelly, M., & Price, T. (2004). *Evaluation of the public charter school program: Final report*. Washington, DC: SRI International.
- Fiore, T. A., Harwell, L. A., Blackorby, J., & Finnigan, L. A. (2000). *Charter schools and students with disabilities: A national study*. Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement.
- Green, P. C., & Mead, J. F. (2004). *Charter schools and the law: Chartering new legal relationships*. Norwood, MA: Christopher-Gordon Publishers.
- Guarino, C., & Chau, D. (2003). Special education in charter and conventional public schools. In R. Zimmer, R. Buddin, D. Chau, G. Daley, D. Guarino, L. Hamilton, C. Krop, D. McCaffrey, M. Sandler & D. Brewer (Eds.), *Charter school operations and performance: Evidence from California* (pp. 161–173). Santa Monica, CA: RAND.
- Hassel, B. C., & Batdorff, M. (2004). *High stakes: Findings from a national study of life-or-death decisions by charter school authorizers*. Chapel Hill, NC: Public Impact. Retrieved February 5, 2006, from <http://www.publicimpact.com/highstakes>
- Hassel, B. C., & Herdman, P. A. (2000). *Charter school accountability: A guide to issues and options for charter authorizers*. Charlotte, NC: Public Impact.
- Hassel, B. C., & Vergari, S. (1999). Charter-granting agencies: The challenges of oversight in a deregulated system. *Education and Urban Society*, 31(4), 406–428.
- Henry, G. T. (1990). *Practical sampling*. Newbury Park, CA: Sage.
- Heubert, J. P. (1997). Schools without rules? Charter schools, federal disability law, and the paradoxes of deregulation. *Harvard Civil Rights-Civil Liberties Law Review*, 32, 301–353.
- Hill, P., Lake, R., & Celio, M. B. (2002). *Charter schools and accountability in public education*. Washington, DC: The Brookings Institution.
- Individuals with Disabilities Education Improvement Act of 2004, U.S. Code Title 20, Chapter 33—Education of Individuals with Disabilities, as amended by P. L. 108-466.
- Kolderie, T. (1990). *Beyond choice to new public schools: Withdrawing the exclusive franchise in public education*. Washington, DC: Progressive Policy Institute. Retrieved on March 1, 2005, from www.ppionline.org/ndol/print.cfm?contentid=1692

- Lange, C., Rhim, L. M., Ahearn, E., & McLaughlin, M. (2005). *Project Intersect research report #2: Survey of state directors of special education*. College Park: University of Maryland, Project Intersect.
- McDonnell, L. M., McLaughlin, M. J., & Morison, P. (Eds.). (1997). *Educating one and all: Students with disabilities and standards-based reform*. Washington, DC: National Academy Press.
- McKinney, J. (1996). Charter schools: A new barrier for children with disabilities. *Educational Leadership*, 54(2), 22–25.
- McLaughlin, M. J., & Henderson, K. (1998). Charter schools in Colorado and their response to the education of students with disabilities. *Journal of Special Education*, 32(2), 99–107.
- Miron, G., & Nelson, C. (2002). *What's public about charter schools: Lessons learned about choice and accountability*. Thousand Oaks, CA: Corwin.
- Nathan, J. (1996). *Charter schools: Creating hope and opportunity for American education*. San Francisco: Jossey-Bass.
- National Association of Charter School Authorizers. (2005). *Principles and standards for quality charter school authorizing*. Retrieved March 1, 2005, from http://www.nationalcharterschools.org/uploads/pdf/resource_20040604082641_Quality%20Authorizing.pdf
- Nelson, B., Berman, P., Ericson, J., Kamprath, N., Perry, R., Silverman, D., et al. (2000). *The state of charter schools: Fourth year report*. Washington, DC: U.S. Department of Education, Office of Education Research and Improvement.
- Palmer, L. B., & Gau, R. (2003). *Charter school authorizing: Are states making the grade?* Washington, DC: Thomas B. Fordham Foundation.
- President's Commission on Excellence in Special Education. (2002). *A new era: Revitalizing special education for children and their families*. Retrieved February 5, 2006, from <http://www.ed.gov/inits/commissionsboards/whspecialeducation/>
- Progressive Policy Institutes. (2003). *From margins to mainstream: Building a stronger charter school*. Retrieved March 1, 2005, from http://www.ppionline.org/documents/Charter_Conf_Transcripts_0703.pdf
- Rhim, L.M., Faulkner, J., & McLaughlin, M. J. (2006). *Access and accountability for students with disabilities in California charter schools*. Paper presented at the Annual Meeting of the American Educational Research Association, April 7-11, 2006 San Francisco, California.
- Rhim, L. M., Lange, C., Ahearn, E., & McLaughlin, M. J. (2005). *Project Intersect research report #3: Survey of state charter school officials*. College Park: University of Maryland, Project Intersect.

- Smith, N. (2005). *Square pegs: Charter school authorizers in non-charter agencies* (Issue Brief 7). Alexandria, VA: National Association of Charter School Authorizers.
- Sugarman, S. D., & Kuboyama, E. M. (2001). Approving charter schools: The gate-keeper function. *Administrative Law Review*, 53(3), 860–942.
- U.S. Department of Education. (2003). *Twenty-fourth annual report to Congress on the implementation of the Individuals with Disabilities Education Act*. Washington, DC: U.S. Government Printing Office. Retrieved February 5, 2006, from <http://www.ed.gov/about/offices/list/osep/osep/research.html>
- U.S. Government Accountability Office. (2005). *To enhance education's monitoring and research, more charter school-level data are needed*. Washington, DC: Government Printing Office.
- Vergari, S. (2000). The regulatory styles of statewide charter school authorizers: Arizona, Massachusetts, and Michigan. *Educational Administration Quarterly*, 36(5), 730–757.

**APPENDIX A: SURVEY
QUESTIONS AND RESULTS
(N= 431)**

- 1. Which of the following best describes your organization/agency?**
(Circle ONE.)

Type	Frequency	Percent
Local Education Agency (LEA)	367	85.2%
College or University	27	6.3%
State Education Agency/State Board of Education (SEA)	16	3.7%
Special-Purpose Chartering Agency	8	1.9%
Not-For-Profit Agency	8	1.9%
Other	2	0.5%
Total	428	100.0%

- 2. In what calendar year did your organization/agency authorize its first charter school?** (Please specify below.)

N	Valid	409
	Missing	22
Mean	1999.03	
Median	1999.00	
Mode	1999	
Std. Deviation	2.691	
Minimum	1991	
Maximum	2004	

	Frequency	Percent
1991	2	0.5%
1992	3	0.7%
1993	9	2.2%
1994	10	2.4%
1995	32	7.8%
1996	25	6.1%
1997	24	5.9%
1998	42	10.3%
1999	64	15.6%
2000	61	14.9%
2001	62	15.2%
2002	41	10%
2003	33	8.1%
2004	1	.2%
Total	409	100%

3. How long have you personally been involved with authorizing charter schools within your organization/agency? (*Circle ONE.*)

Years Experience Authorizing	Frequency	Percent
Less than one year	51	12.3%
Between one and two years	87	20.3%
Two to five years	201	47.4%
Over five years	85	20%
Total	424	100.0%
Missing	7	

4. In total, how many charter schools has your organization/agency authorized? (*Enter a number below or enter "Don't know."*)

N	Valid	422
	Missing	9
Mean		5.77
Median		1.00
Mode		1
Std. Deviation		22.60
Minimum		1
Maximum		350
Sum		2,437

Total Charter Schools Granted by Authorizer

Number of Schools		Frequency	Percent
Valid	1	217	51.4%
	2	87	20.6%
	3	30	7.1%
	4	11	2.6%
	5	13	3.1%
	6	7	1.7%
	7	4	0.9%
	8	5	1.2%
	9	10	2.4%
	10	3	0.7%
	11	2	0.5%
	12	3	0.7%
	14	1	0.2%
	15	1	0.2%
	16	1	0.2%
	17	1	0.2%
	18	2	0.5%
	19	2	0.5%
	20	3	0.7%
	22	1	0.2%
	24	1	0.2%
	25	3	0.7%
	31	3	0.7%
	34	1	0.2%
	36	1	0.2%
	49	1	0.2%
	62	2	0.5%
	67	1	0.2%
	68	1	0.2%
	80	1	0.2%
	110	1	0.2%
	231	1	0.2%
	350	1	0.2%
	Total	422	100.0%
	Missing	9	

**Categories of Authorizer Experience According to
Number of Schools Granted**

Categories of Experience	Frequency	Percent
1–2 charters granted	304	72%
3–9 charters granted	80	18.9%
10 or more charters granted	38	9%
Total	422	100%
Missing	9	

5. Of the charter schools your organization/agency has authorized, how many were conversion schools (i.e., traditional public or private schools that converted to charter school status) versus new start-ups? (Enter numbers below, or enter “Don’t know.”)

		Number of Private School Conversion Charter Schools	Number of New Start- Up Charter Schools	Number of Public School Conversion Charter Schools
N	Valid	227	383	284
	Missing	204	48	147
Mean		0.36	5.49	0.76
Median		0.00	1.00	0.00
Mode		0	1	0
Std. Deviation		1.83	21.44	2.36
Minimum		0	0	0
Maximum		25	325	32
Sum		82	2,103	216

6. Of the charter schools your organization/agency has authorized, how many were cyber or virtual charter schools? (Specify the number below or select one of the other options.)

N	Valid	238
	Missing	193
Mean		0.32
Median		0.00
Mode		0
Std. Deviation		0.86
Minimum		0
Maximum		6
Sum		77

SPECIAL EDUCATION

7. What does your organization/agency require of charter school applicants during the charter authorization/application process? (*Circle ALL THAT APPLY.*)

Application Requirements	Required	
A general written assurance to not discriminate against students with disabilities	64.3% (277)	
Specific written assurance to not discriminate against students with disabilities	60.8% (262)	
<i>General and/or specific written assurance</i>		79.1% (341)
Minimal information about plans for meeting special education requirements	31.1% (134)	
Detailed information about planned special education	42.5% (183)	
<i>Minimal or detailed information</i>		67.5% (291)
Full compliance with state and federal regulations	2.3% (10)	
Not applicable due to LEA responsibilities	1.6% (7)	
Don't know	3.9% (17)	

8. What entities are the PRIMARY PROVIDERS of special education technical assistance and training to the charter schools your organization/agency authorizes? (*Circle no more than two.*)

Entity	Identified as a Primary Provider
Charter school authorizer	37.4% (161)
Intermediate education agency or unit (e.g., ISD, BOCES, SELPA)	25.3% (109)
LEA (if not the authorizer)	23.9% (103)
Charter schools	11.8% (51)
Charter school membership association	8.1% (35)
State-level special education administrator for charter schools	7.7% (33)
Education management organizations	4.2% (18)
Special education cooperative developed for charter schools	3.7% (16)
Charter school resource center	3.2% (14)
Local nonprofit that provides special education services	1.9% (8)
State education agency personnel	0.7% (3)
Don't know	6.0% (26)

- 9. Does your organization/agency offer or require technical assistance and training to charter schools during the AUTHORIZATION OR APPLICATION PROCESS?** (*Select ONE.*)

Responses	Frequency	Percent
Yes	167	39.3%
No	233	54.8%
Don't know	25	5.8%
Total	425	100.0%
Missing	6	

- 10. In which of the following areas does your organization/agency offer or require technical assistance and training during the AUTHORIZATION OR APPLICATION PROCESS?** (*Place an "X" in a box to select ONE response for each area.*)

Area of Technical Assistance and Training	Required During Authorization or Application Process	Offered But Not Required During the Authorization or Application Process	Don't Know	Blank
	% (n)	% (n)	% (n)	% (n)
Providing special education services	22.0% (95)	19.7% (85)	1.9% (8)	56.4% (243)
Special education monitoring and compliance	20.6% (89)	19.5% (84)	2.3% (10)	57.5% (248)
Reporting data to the state	20.2% (87)	18.6% (80)	3.0% (13)	58.2% (251)
Introducing general disability laws (IDEA, ADA, Section 504)	18.3% (79)	23.4% (101)	2.3% (10)	55.9% (241)
Funding special education	18.1% (78)	19.0% (82)	3.5% (15)	59.4% (256)
Establishing eligibility and the IEP process	17.6% (76)	22.5% (97)	3.2% (14)	56.6% (244)

- 11. How many total days of special education training does your organization/agency require of charter school personnel prior to opening their school? (Circle ONE.)**

Total Days of Special Education Training per Year	Frequency	Percent
None	100	53.5%
Half day or less	25	13.4%
About a day	24	12.8%
Two days or more	38	20.3%
Total	187	100%
Missing	244	

- 12. Does your organization/agency offer or require technical assistance and training to charter schools DURING OPERATION? (Circle ONE.)**

	Frequency	Percent
Yes	274	64.8%
No	140	33.1%
Don't know	9	2.1%
Total	423	100.0%
Missing	8	

- 13. In which of the following areas does your organization/agency offer or require technical assistance and training during OPERATION? (Place an "X" in a box to select ONE response for each area.)**

Area of Technical Assistance and Training	Required During Operation	Offered But Not Required During Operation	Don't Know	Blank
	% (n)	% (n)	% (n)	% (n)
Special education monitoring and compliance	38.1% (164)	23.7% (102)	1.9% (8)	36.4% (157)
Reporting data to the state	33.6% (145)	19.0% (82)	5.1% (22)	42.2% (182)
Providing special education services	32.5% (140)	27.6% (119)	1.9% (8)	38.1% (164)
Establishing eligibility and the IEP process	31.1% (134)	27.6% (119)	2.6% (11)	38.7% (167)
Introducing general disability law (IDEA, ADA, Section 504)	26.7% (115)	30.9% (133)	2.1% (9)	40.4% (174)
Funding special education	25.5% (110)	21.3% (92)	6.5% (28)	46.6% (201)

- 14. How many total days of special education training per year does your organization/agency require of charter school personnel once a charter school is operating? (Circle ONE.)**

Total Days of Special Education Training Per Year	Frequency	Percent
None	134	50.8%
Half day or less	25	9.5%
About a day	31	11.7%
Two days or more	74	28%
Total	264	100.0%
Missing	167	

CHARTER SCHOOLS AND SPECIAL EDUCATION PRACTICES

- 15. What is your organization's/agency's legal responsibility for providing special education and related services to students with disabilities attending charter schools that it authorizes? (Circle ONE.)**

Legal Responsibility for Providing Special Education and Related Services	Frequency	Percent
Shared legal responsibility	154	36.2%
Total legal responsibility	147	34.6%
No legal responsibility	96	22.6%
Don't know	17	4%
Other, please describe	11	2.6%
Total	425	100.0%
Missing	6	

16. Which statement best describes your organization's/agency's involvement with special education in the charter schools it authorizes? (Circle ONE.)

Type of Involvement in Special Education	Frequency	Percent
Provides special education in schools we authorize	136	32%
Works with special education as requested by schools	93	21.9%
Supervises special education in schools we authorize	63	14.8%
Not involved with special education	52	12.2%
Involved with special education when we authorize/renew	53	12.5%
Don't know	5	1.2%
Other	23	5.4%
Total	425	100%
Missing	6	

17. Based on your interaction with charter schools, to what extent are the following areas a challenge for charter schools? (Place an "X" in a box to select ONE response for each area.)

Potentially Challenging Activities	Not a Challenge	Challenge Primarily During Start-Up (First 3 Years)	Continuing Challenge
	% (n)	% (n)	% (n)
Incorporating students with disabilities in NCLB requirements	24.9% (83)	7.5% (25)	67.6% (225)
Finding qualified special education teachers	23.6% (91)	9.6% (37)	66.8% (258)
Having adequate funds to provide services to special education students	25.3% (98)	15.0% (58)	59.7% (231)
Finding qualified special education and related services personnel	32.7% (122)	11.5% (43)	55.8% (208)
Knowing special education laws and regulations	20.9% (85)	24.4% (99)	54.7% (222)
Providing services for students in low-incidence disability areas	38.4% (128)	8.7% (29)	52.9% (176)
Understanding monitoring and compliance requirements	32.4% (121)	15.5% (58)	52.0% (194)
Working with parents of children with disabilities	38.4% (140)	10.1% (37)	51.5% (188)
Implementing the IDEA discipline procedures	38.7% (133)	11.3% (39)	50.0% (172)
Modifying the school's core curriculum for students with disabilities	39.5% (138)	10.9% (38)	49.6% (173)
Implementing the IEP	39.6% (148)	12.6% (47)	47.9% (179)
Providing professional development for special education teachers	44.8% (163)	9.3% (34)	45.9% (167)
Understanding special education finance	29.8% (117)	25.7% (101)	44.5% (175)
Following due process procedures	43.5% (162)	15.3% (57)	41.1% (153)
Obtaining IEP files from sending school	53.5% (190)	10.4% (37)	36.1% (128)
Working with LEA or other special education provider	55.3% (205)	13.5% (50)	31.3% (116)
Providing transportation for students with disabilities	60.7% (215)	10.2% (36)	29.1% (103)
Providing an accessible facility	58.5% (216)	13.3% (49)	28.2% (104)

18. Based on your experience as a charter school authorizer, what is your greatest challenge related to special education in charter schools?

Write-In Response	Frequency	Percent
Respondent left question blank	70	16.20%
Ensuring that charter schools understand responsibilities related to educating students with disabilities	48	11.10%
Providing a full range of services to students with disabilities	42	9.70%
Special education funding issues	42	9.70%
Respondent wrote no issues/problem	33	7.70%
Administrative issues/special education red tape	32	7.40%
Issues related to special education monitoring and compliance	32	7.40%
Recruiting and retaining qualified special education personnel	29	6.70%
Managing relationship between charter schools and authorizer/district	22	5.10%
Other	16	3.70%
Special education enrollment issues	16	3.70%
Issues related to virtual/cyber or non-brick-and-mortar schools	11	2.60%
Issues that parallel issues in traditional schools	10	2.30%
Special education identification	8	1.90%
Issues related to modifying charter curriculum for students with disabilities	6	1.40%
Accountability	6	1.40%
Experiencing special education success in charter school	4	0.90%
Charter school capacity	4	0.90%
Total	431	100.00%

- 19. Besides charter school associations and resource centers, what organizations/strategies are charter schools that your organization/agency authorizes utilizing to assist with the ongoing provision of special education services in their schools? (Circle ALL THAT APPLY.)**

Organization or Strategy	Frequency	Percentage
Authorizer	211	49.0%
Intermediate education agency or unit	150	34.8%
Individual consultants	127	29.5%
State-level special education administrator for charter schools located in the SEA	73	16.9%
LEA (if not the authorizer)	67	15.5%
Don't know	65	15.1%
Education management organizations	46	10.7%
Local non-profit that provides special education services	43	10.0%
Special education cooperative for charter schools	24	5.6%
Risk pooling (insurance model)	6	1.4%
Other	6	1.4%

CHARTER SCHOOL ENROLLMENT

- 20. In what state are you located? (Please provide the state abbreviation.)** _____
Data not presented in order to protect anonymity of respondents

- 21. For academic year 2002–2003 approximately how many students were enrolled in the charter schools authorized by your organization/agency? (Specify the number below or select one of the other options.)**

N	Valid	383
	Missing	48
Mean		1,374.96
Median		200.00
Mode		0
Minimum		0
Maximum		65,000
Std. Deviation		5004.23
Sum		526,611

Enrollment Clusters	Frequency	Percent
Zero students	20	5.2%
1–50 students	60	15.7%
51–100 students	50	13.1%
101–200 students	67	17.5%
201–300 students	37	9.7%
301–400 students	30	7.8%
401–500 students	18	4.7%
501–600 students	9	2.3%
601–700 students	6	1.6%
701–800 students	4	1.0%
801–900 students	9	2.3%
901–1,000 students	6	1.6%
More than 1,000 students	67	17.5%
Total	383	100.0%
Missing	48	

21a.

Average School Enrollment*

N	Valid	377
	Missing	54
Mean		204.89
Median		111.11
Mode		0
Minimum		0
Maximum		4,000
Std. Deviation		312.7879

**Calculated by dividing total enrollment per
authorizer by number of schools granted by authorizer*

**22. For academic year 2002–2003 (12/1/02 headcount)
approximately how many students with IEPs were enrolled in
the charter schools authorized by your organization/agency?
(Specify the number below or select one of the other options.)**

N	Valid	283
	Missing	148
Mean		116.88
Median		15.00
Mode		0
Minimum		0
Maximum		5,000
Std. Deviation		463.57
Sum		33,076

Percent of Total Enrollment by Authorizer*

N	Valid	256
	Missing	175
Mean		12.81%
Median		8.33%
Mode		.00%
Std. Deviation		15.67
Minimum		0.00%
Maximum		100.00%

** These data represent the total number of students reported with IEPs divided by total enrollment reported.*

23. For the 2002–2003 school year, approximately how many students with 504 plans were enrolled in the charter schools authorized by your organization/agency? (Specify the number below or select one of the other options.)

N	Valid	180
	Missing	251
Mean		9.99
Median		0.00
Mode		0
Std. Deviation		62.19
Minimum		0
Maximum		800
Sum		1,798

Percent of Students with 504 Plans by Authorizer*

N	Valid	162
	Missing	269
Mean		2.43%
Median		0.23%
Mode		0.00%
Std. Deviation		7.29
Minimum		0.00%
Maximum		64.29%

** These data represent the total number of students reported with Section 504 plans divided by total enrollment reported.*

- 24. How many of the charter schools authorized by your organization or agency are designed primarily or entirely to serve students with disabilities? (Specify the number below or select one of the other options.)**

N	Valid	384
	Missing	47
Mean		0.20
Median		0.00
Mode		0
Std. Deviation		1.18
Minimum		0
Maximum		20
Sum		77

Number of Special Education Charter Schools Granted	Frequency	Percent
20 schools	1	0.3%
7 schools	1	0.3%
5 schools	1	0.3%
4 schools	2	0.5%
2 schools	1	0.3%
1 school	35	9.1%
Zero schools	343	89.3%
Total	384	100%
Missing	47	

STATEWIDE ACCOUNTABILITY AND SPECIAL EDUCATION MONITORING

- 25. Does your organization/agency coordinate its oversight activities related to special education in charter schools with special education monitoring required under IDEA? (Circle ONE.)**

	Frequency	Percent
Yes	320	76.2%
No	63	15%
Don't know	37	8.8%
Total	420	100%
Missing	11	

26. In the past three years, has your organization/agency been required to take action against any of the charter schools it authorized due to complaints related to special education? (If Yes, please specify how many below.)

Response	Frequency	Percent
Yes, please specify how many	54	12.7%
No	364	85.6%
Don't know	7	1.6%
Total	425	100.0%
Missing	6	

Descriptive Statistics Related to Number of Complaints Related to Special Education

N	Valid	40
	Missing	391
Mean		2.68
Median		1.00
Mode		1
Std. Deviation		2.90
Minimum		0
Maximum		14
Sum		107

27. If your answer to the previous question was Yes, in what areas were the complaints? (Circle ALL THAT APPLY.)

Area of Complaint	Identified as Area of Complaints	
	Count	%
Provision of special education instruction	39	9.0%
Due process	22	5.1%
Qualifications of special education teachers	21	4.9%
Provision of related services	19	4.4%
Discipline, suspension, or expulsion	19	4.4%
Denial of access to the charter school program	13	3.0%
Accessibility of charter school facilities	5	1.2%
Don't know	1	0.2%

SPECIAL EDUCATION AND CHARTER SCHOOL RENEWAL

28. Is the charter school's special education record a required component of your organization/agency's charter school renewal process? (Select ONE.)

Responses	Frequency	Percent
Yes	250	60%
No	122	29.33%
Don't know	46	10.8%
Total	417	100.0%
Missing	14	

29. Has a charter school's special education record been a factor in revocation for ANY of the charter schools your organization/agency has revoked? (If Yes, please specify the number below.)

Responses	Frequency	Percent
Yes, please specify the number	13	3.1%
No	384	92.5%
Don't know	18	4.3%
Total	415	100.0%
Missing	16	

Descriptive Statistics Related to Number of Special Education-Related Revocations

N	Valid	10
	Missing	421
Mean		1.00
Median		1.00
Mode		1
Std. Deviation		0.667
Minimum		0
Maximum		2
Sum		10

Number of Special Education Related–Revocations

	Frequency	Percent	Valid Percent
0	2	0.5%	20.0%
1	6	1.4%	60.0%
2	2	0.5%	20.0%
Total	10	2.3%	100.0%
Missing	421	97.7%	
Total	431	100.0%	